

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)

05 MAR 2001

Applicant's or agent's file reference

GTM 7510.1/P

REPLY DUE

within TWO months
from the above date of mailing

International application No.

PCT/US00/11154

International filing date (day/month/year)

25 APRIL 2000

Priority date (day/month/year)

26 APRIL 1999

International Patent Classification (IPC) or both national classification and IPC
IPC(7): A63B 69/36, 53/04 and US Cl.: 473/238, 240, 251, 288, 329, 332, 340, 342

Applicant

GREEN, TIMOTHY M.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

EV 404053472 US

Atty. Docket No. 8572-000012US

App. Ser. No. 10/763,925

Applicant: Green

Reference 51 of 57

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26 AUGUST 2001

Name and mailing address of the IPEA/US

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WRITTEN OPINION

International application No.

PCT/US00/11154

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-8
 pages NONE , as originally filed
 pages NONE , filed with the demand
- ☒ the claims:
 pages 9-11
 pages NONE , as amended (together with any statement) under Article 19
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____
- ☒ the drawings:
 pages 1-3
 pages NONE , as originally filed
 pages NONE , filed with the demand
 pages _____ , filed with the letter of _____
- ☒ the sequence listing part of the
 description: NONE
 pages NONE , as originally filed
 pages NONE , filed with the demand
 pages _____ , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of.

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets-fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

| | | | |
|-------------------------------|--------|--------------------|-----|
| Novelty (N) | Claims | <u>10-19</u> | YES |
| | Claims | <u>1-9, 20, 21</u> | NO |
| Inventive Step (IS) | Claims | <u>11, 12, 13</u> | YES |
| | Claims | <u>1-10, 14-21</u> | NO |
| Industrial Applicability (IA) | Claims | <u>1-21</u> | YES |
| | Claims | <u>NONE</u> | NO |

2. citations and explanations

Claims 1, 4-8, 20 and 21 lack novelty under PCT Article 33(2) as being anticipated by TUCKER.

As to claim 1, reference is made to Figures 5 and 6 and the discussion in column 4, lines 15-42 detailing that the inserts affixed to the striking portion of the head are each made of different materials. The inserts appear to be generally elongated in the longitudinal direction. Figure 1 clearly shows alignment indicia in the form of lines or grooves extending from a position adjacent the rear of the head to a position adjacent the striking face of the head.

As to claim 4, the club head includes a metal portion atop which or upon which a portion thereof is affixed an insert of a softer material. See column 6, lines 18-27.

As to claim 5, at least the striking portion of the head which may be an insert is made of an elastomer material.

As to claim 6, the inserts shown in Figure 6 are clearly removable from the main club head portion.

As to claim 7, again, Figure 6 shows a plurality of inserts that may be selectively installed upon and removed from the main head body.

As to claim 8, see column 4, line 35 detailing that the inserts are attached by pressure-sensitive adhesive.

As to claim 20, the means for dampening vibration include the various elastomeric inserts that may attached to the striking face portion.

As to claim 21, the plurality of inserts must clearly include different vibrational modes, one from the other.

(Continued on Supplemental Sheet.)

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Claims 1, 2, 3, 6, 7, and 9 lack novelty under PCT Article 33(2) as being anticipated by EBBING.

As to claim 1, note the insert (18) attached to the main body. Figure 1 clearly shows a dot on the upper surface portion of the head which may clearly be used for alignment purposes.

As to claims 2 and 3, see column 3, lines 46-65 wherein Ebbing details that the main club head body be fabricated from a material such as that sold under the trademark Lexan by the General Electric Company. Lexan is a lightweight material. On the other hand, the striker insert is made of a material such as brass or stainless steel, a material that is clearly harder and denser than the material of the main body.

As to claim 6, the insert in Ebbing is clearly removably fastened to the main body by using screws (54).

As to claim 7, the insert, per se, may be selectively replaced. Seen in another context, since more than one type of material is contemplated for the make-up of the insert, it is clear that more than one material type of insert is disclosed by Ebbing, thus lending the invention to the selective replacement of the insert.

As to claim 9, again, the insert is fastened to the main club head via screws (54).

Claims 10, and 14-15 lack an inventive step under PCT Article 33(3) as being obvious over TUCKER in view of DENBERGER.

As to claim 10, Tucker lacks a light reflective surface. Densberger shows it to be old in the art to provide a putter head with a sighting and alignment device that provides a reflection of the ball and target in order to provide the golfer with visual feedback at address for more accurate putts. In view of the patent to Densberger, it would have been obvious to provide the Tucker device with a visual aligning guide that includes a light reflective surface, the motivation being to help a golfer more precisely align a golf ball at address.

As to claims 14 and 15, the alignment device shown by Densberger is attached to the body, as shown by the various figures.

Claims 16-19 lack an inventive step under PCT Article 33(3) as being obvious over TUCKER in view of DENBERGER and further in view of LINDSTEDT, MEYER, and GOGGINS.

Tucker in view of Densberger has been discussed above. Tucker, as modified by Densberger, lacks a discussion of a specific lenticular lens arrangement. It is noted that Densberger does suggest that a number of different optical alignment means may be used to create a reflective image including the means necessary to create a holographic image. See column 6, lines 8-28 in Densberger. The teaching references to Lindstedt, Meyer and Goggins show it to be old in the art to use a lenticular lens arrangement to create a specific visual effect and, in the cases of Lindstedt and Meyer, the lenticular lens technology is applied to the golf club art. Goggins is provided to emphasize the fact that lenticular lenses are well-known. See the abstract in Lindstedt. See column 2, lines 47-57 in Meyer. See column 3, lines 50-59 in Goggins. In view of the disclosure in Densberger and the further teachings provided by Goggins, Meyer, and Lindstedt, it would have been obvious to further modify the Tucker device by using a lenticular lens arrangement, the motivation being to make use of a known technology for presenting an image, the image being enhanced by the use of the lenticular lens.

Claims 11-13 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a light reflective surface curving upwardly from the golf club head and to the rear of the golf club head, with the curvature being in both the vertical and horizontal planes.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

----- NEW CITATIONS -----

US 4,422,638 A (TUCKER) 27 December 1983, see col. 4, lines 30-32.

US 4,121,832 A (EBBING) 24 October 1978, see col. 3, lines 46-65.

✓ US 5,640,777 A (DENSBERGER et al) 24 June 1997, see col. 5, line 6 through col. 8, line 38.

US 5,896,230 A (GOGGINS) 20 April 1999, see col. 3, lines 50-59.

US 5,228,695 A (MEYER) 20 July 1993, see col. 2, lines 47-57.

US 5,433,446 A (LINDSTEDT, JR.) 18 July 1995, see the abstract.